



Task Force on Traffic Capacity Across the Chesapeake Bay

Meeting #3 Summary

Introduction

The third of five meetings of the Task Force on Traffic Capacity Across the Chesapeake Bay (Task Force) was held on Wednesday, August 10, 2005 from 7:00 to 9:00 PM in Annapolis, Maryland. Chair Senator J. Lowell Stoltzfus and Co-chair O. James Lighthizer, and the following 12 Task Force members and five Ex-Officio members attended Meeting #3:

Task Force Members

- Lon Anderson, Director of Government Relations, AAA Mid-Atlantic
- John C. Astle, Senate of Maryland, District 30
- John E. "Sonny" Bloxom, President of the Worcester County Commissioners
- Walter T. Coryell, Chestertown Chief of Police
- Jeffrey E. Frank, President and CEO, Patton Harris Rust & Associates, pc
- H. Victoria Goldsborough, Caroline County Board of Education
- Janet Greenip, Senate of Maryland, District 33
- James N. Mathias, Jr., Mayor of Ocean City
- Anthony J. O'Donnell, Maryland House of Delegates, District 29
- E. J. Pipkin, Senate of Maryland, District 36
- Susan Ellsworth Shaw, Calvert County Commissioner
- Richard A. Sossi, Maryland House of Delegates, District 36
- Walter Thompson, former President and CEO, Maryland Motor Truck Association

Ex-Officio Members

- Robert L. Flanagan, Secretary, Maryland Department of Transportation
- C. Ronald Franks, Secretary, Maryland Department of Natural Resources
- Martin G. Madden, Chairman, Critical Area Commission, and
- Kendl P. Philbrick, Secretary, Maryland Department of the Environment

The following Task Force and Ex-Officio members were not in attendance. However, Task Force members were encouraged to send representatives if they could not attend. Representatives (if in attendance) are shown in parentheses:

- John S. Arnick, Maryland House of Delegates, District 6
- Andrew Barrow, Vice President for Commercial Lending
- William H. Cox, Jr., Maryland Transportation Commissioner
- Effie M. Elzey, Dorchester County Councilmember
- Trent M. Kittleman, Executive Secretary, Maryland Transportation Authority (Joe Waggoner)
- Rona E. Kramer, Senate of Maryland, District 14
- Mary Ann Love, Maryland House of Delegates, District 32



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- Aris Melissaratos, Secretary, Department of Business and Economic Development (Jim Rzepkowski)
- Audrey E. Scott, Secretary, Maryland Department of Planning (Jim Noonan)
- W. Gregory Wims, President and CEO, Hammer and Nails, Inc.

All Task Force meetings are open to the public. According to the sign-in sheet from the meeting, 33 citizens attended Meeting #3. The meeting was also videotaped for later broadcast on several local access channels and for placement in several libraries. A copy of the videotape or DVD can also be made available upon request.

Agenda for Meeting #3

1. Welcome and Opening Remarks (Senator J. Lowell Stoltzfus)
2. Environmental Review and Regulatory Process (Messrs. Alan Straus, Gary Setzer, and Ren Serey)
3. Resources and Potential Major Issues (Mr. Kenneth Miller)
4. Public Outreach (Mr. Dennis Simpson)
5. Preview of Meeting #4 (Mr. James Lighthizer)
6. Closing and Questions (Senator J. Lowell Stoltzfus)

The format of the meeting was based on a dual screen PowerPoint slide presentation, which was made available electronically and in hardcopy to all attendees. The presentation can be viewed or downloaded from the MdTA website at www.mdt.state.md.us. Task Force members asked a variety of questions during the meeting, and many were answered during the presentation. This meeting summary includes comments by Task Force members and requests for additional information.

1. Welcome and Opening Remarks (Senator Stoltzfus)

Senator Stoltzfus opened the meeting by briefly reviewing the topics covered at Meeting #2. He then went on to remind the Task Force members of their roles and responsibilities and stressed that they are not making any final decisions on location or type of crossing. The overall purpose of the Task Force is to begin the discussions that need to occur so before the citizens of Maryland can decide how to proceed with more detailed studies of this very important transportation environmental, and land use issue. Senator Stoltzfus also noted the Task Force process, along with media coverage, had led to a heightened level of interest.



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Senator Pipkin asked that the Task Force visit Kent and Queen Anne's Counties and he reminded the group that the project must go through the NEPA process which could take many years.

Secretary Flanagan further put the important role of the Task Force in perspective and confirmed that the NEPA process is needed and could take several years. He noted that it is important to keep the public advised of the process and reminded the Task Force that "No Build" is an option.

Delegate Sossi suggested the use of Washington College as a site for the next two Task Force meetings. In addition, with respect to public meetings, Talbot County representatives would prefer to have a meeting separate from Kent County because of the distance between the two counties. As was discussed later in the meeting, the Task Force plans to conduct several public meetings throughout the area.

2. Environmental and Regulatory Process (Alan Straus, Gary Setzer, Ren Serey)

Mr. Alan Straus, Project Manager, Environmental and Transportation Planning Department, URS Corporation, reviewed the fundamental tenets of the NEPA laws and process. He reiterated that this Task Force process is being conducted prior to the NEPA process. NEPA is a thoughtful public process, and throughout the process, "No Build" is always an option. It is critical that public stakeholders are involved during NEPA, which consists of three stages: project scoping, detailed studies, and decision making. There are two dozen laws that guide this process, which are administered by 17 federal and 12 state agencies. As a national leader, Maryland has combined the environmental review process with the regulatory process in an effort to streamline the two processes and make them more efficient.

Next, Mr. Gary Setzer, Director of Wetlands and Waterways, Maryland Department of the Environment, spoke in more detail about the regulatory process. He reviewed a sampling of the most crucial regulations:

- Section 404 of the Clean Water Act (administered by ACOE) – calls for avoidance, minimization and mitigation of impacts to wetlands
- Section 4(f) of the US Department of Transportation Act (administered by FHWA) – protects public parks, wildlife refuges, and historic sites
- Section 106 of the Historic Preservation Act – protects historic properties on or eligible for the National Register of Historic Places
- Sections 9 and 10 of the Rivers and Harbors Act – regulate potential impacts to navigable waters and is administered by the US Coast Guard and the US Army Corps of Engineers



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- Section 7 of the Endangered Species Act (administered by MDE) - regulates plants and wildlife that have been identified as rare, threatened or endangered by the US Fish and Wildlife Service
- Tidal and Non-tidal Wetland Protection Act (administered by MDE) – complements Section 404 in protection of wetlands
- Waterway Construction Permit (administered by MDE) – includes engineering review of flooding of upstream properties.

Next, Mr. Ren Serey, Executive Director, Critical Area Commission, Chesapeake and Atlantic Coastal Bays Critical Area Commission, reviewed the following regulations:

- Forest Conservation Act – reforestation for impacted areas of forests
- Chesapeake and Atlantic Coastal Bays Critical Area Protection Act – Critical Area Commission approval is required for the protection of water quality, fish, wildlife, and plant habitat for all land within 1,000 feet of the landward edge of tidal waters and tidal wetlands. The Critical Area process exists to minimize impacts but to allow proper growth and to preserve habitats. The Commission has 29 members which reviews information, seeks advice, and determines if a project meets the Commission's goals.

Mr. Serey also presented the Woodrow Wilson Bridge as an example of a successful process that was streamlined and where agencies came together. With this project, mitigation was significant and impacts were mitigated elsewhere to accommodate all of them and to ensure they would be most beneficial. Another example of a mitigation project was the Salisbury Bypass (covered by Mr. Straus), where impacts spanned all resources including communities.

3. Resources and Potential Major Issues (Mr. Kenneth Miller)

Next, Mr. Kenneth Miller, Director, Watershed Information Services, Maryland Department of Natural Resources, led a discussion of the resources and potential major issues found in each Zone. Mr. Miller presented maps of several important resources in each Zone and noted that all four Zones have significant issues and that many zones have similar features. Because of the regional implications of a new crossing in any Zone, all alternatives would need to be reviewed on a regional basis during the NEPA process. In addition, secondary and cumulative impacts may be greater than direct impacts (secondary impacts are those caused by the growth pressures that result when new capacity is made available).

Senator Astle reminded the Task Force of the importance of considering secondary effects and to make sure we focus on the roads and the cost to communities, and not just the crossing.

Senator Pipkin noted that the 1978 law requires affected county approval and asked where in the process the consideration of this law fits in. Mr. Straus responded that the 1978 law will be considered during the NEPA process. Senator Pipkin questioned how long Woodrow Wilson



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Bridge took from study to construction. Neil Pedersen, Administrator of the Maryland State Highway Administration, responded that the first study began in 1989, construction started in 1999, and will be completed by 2011.

4. Public Outreach (Dennis Simpson)

Mr. Dennis Simpson, Deputy Director of Capital Planning, Maryland Transportation Authority, presented the public outreach process, which is just beginning but will continue through the Task Force and into the project development process (NEPA). The current phase is aimed at reaching a broad geographic range of stakeholders. Informal outreach would be used to disseminate information about the Task Force and formal outreach is planned to gather input from the large group of potential stakeholders. Currently, staff is contacting elected officials in each Zone to explain the Task Force process. In the October/November timeframe, the MdTA will conduct public meetings that the Task Force members are encouraged to attend. Delegate O'Donnell noted that he has been receiving questions from his constituents about the role of the Task Force. He suggested distributing information to cable stations/public access channels. (Mr. Simpson confirmed that this is already being done.)

Delegate Sossi inquired about the location of public meetings. The study team noted that they will be scheduled by the next Task Force meeting. Senator Stoltzfus stated that his intention is to get all of the information out to everyone as soon as possible. Secretary Flanagan noted that the Task Force is made up of representatives that reflect the communities that would be affected.

Senator Pipkin requested that a contact for media requests and to address citizen requests for information be identified. Senator Stoltzfus appointed Mr. Dennis Simpson to be the contact person.

5. Preview of Meeting #4 (Jim Lighthizer)

Mr. Lighthizer noted that growth issues, land use, and economic development will be the focus of Meeting #4.

6. Closing and Questions (Senator Stoltzfus)

Senator Stoltzfus opened the floor to the public for questions. The comments or questions are summarized below:

- 1978 Law – why not poll commissioners now before you get involved in Task Force. (Senator Astle requested that the Task Force be provided with the language of the law).



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- Task Force is only considering a highway. Why aren't other types of travel not being considered, such as light rail? (Dennis Simpson responded that all modes would be studied during the NEPA process.)
- Who decides which Zone will be selected after Task Force process, the Governor? (Neil Pedersen responded that it is not the decision of any one person. Under the NEPA process, it is a consensus building process involving local, State and Federal stakeholders.)
- Has there ever been a bridge defeated by the NEPA process? (Neil Pedersen responded that the bridge from Prince Charles to Prince William Counties, and the connection between Montgomery and Loudoun counties did not go forward.)
- Financing is biggest impact. Will we see value of projects in terms of land value? (Neil Pedersen responded that there is no map of land values, and without specific alignments, it is difficult to estimate land values. However, in general, construction costs far outweigh the cost of land acquisition. The cost will be driven by the extent of bridging across wetlands, streams, etc. Likewise, expanding roadways would contribute to cost.)
- Suggested other solutions, such as aero buses or a monorail from Baltimore and Washington to Ocean City (note that there are more movements than just Baltimore or Washington to Ocean City.)
- Tri-county Council stated that Southern Maryland would be glad to help with outreach.
- It sounds like the Task Force is making decisions and it feels the decision has already been made. (Senator Stoltzfus responded that as indicated earlier, the Task Force is not making a decision on where to construct a crossing.)
- Ocean City Mayor Mathias stated that people travel east to other places besides Ocean City. Ocean City is willing to do its share to help the citizens of Maryland
- Chief Coryell made a presentation to voice the concerns of Kent County residents that a new bridge would have a detrimental effect on quality of life. Chief Coryell submitted the 2,000 signature that were collected as a simultaneous response to newspaper articles.

The meeting was adjourned at 9:00 PM.